

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 WAYNE A. PORRETTI,

4 Plaintiff

Case No. 2:20-cv-00249-APG-BNW

ORDER

5 v.

6 DIRECTOR OF NEVADA DEPT. OF
7 CORRECTIONS, *et al.*,

8 Defendants

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed
13 *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
15 application to proceed *in forma pauperis* and attach both an inmate account statement
16 for the past six months and a properly executed financial certificate. The Court will retain
17 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
18 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an
19 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
20 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file
21 a fully complete application to proceed *in forma pauperis*, including both an inmate
22 account statement for the past six months and a properly executed financial certificate.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
25 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
26 as the document entitled information and instructions for filing an *in forma pauperis*
27 application.

28 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this

1 order, Plaintiff must either: (1) file a fully complete application to proceed *in forma*
2 *pauperis*, on the correct form with complete financial attachments, including an inmate
3 account statement for the past six months and a properly executed financial certificate,
4 in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
5 (which includes the \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
9 (ECF No. 1-1) but will not file it at this time.

10 DATED: February 7, 2020

11
12 
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26